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02/23/2004 09:50 AM

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Subject: RE: McCormick & Baxter - Soil Cap Design Criteria Report

Jennifer,

As I believe you know, DEQ is researching the ROD and Feasibility Study in hopes of understanding why the ARAR analysis conducted by both EPA and DEQ did not identify RCRA closure as applicable. Also, I am looking into the technical requirements of a RCRA closure to see if they would be substantively met with the current capping plans. (It's possible

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that the hot spot removal eliminated these wastes disposal sites, it's possible that the barrier wall meets the RCRA requirements to immobilize wastes, and it's possible that the site was not a permitted RCRA facility.) Finally, I will be working with EPA's Remedial Project Manager, Peter Contreras, to determine how EPA will want to deal with any potential discrepancies with the ROD, if any exist. If you haven't done so already, could you fax Larry Edelman of Oregon DOJ a copy of the Stipulation and Final Order.

Regarding your comment on the 2002 ESD, the Soil Cap Design Criteria Report discusses the provisions of the 1996 ROD, 1998 ROD Amendment and 2002 ESD including the commitment by DEQ and EPA to "consider" impermeable and semi-permeable soil cap. The Design Criteria Report also evaluates various scenarios for minimizing infiltration and recommends the criteria for designing the cap to address infiltration. The recommendation is to use topography and plants to maximize surface water runoff and evapotranspiration. This approach to reduce infiltration fits with other aspects of the proposed cap design including future land use as a green space.

Please don't hesitate to call me at 503-229-6748 if you would like to discuss this in more detail. I trust that Peter also will be communicating with you as we work to address your comment.

Thanks.
Kevin

-----Original Message-----

From: Macdonald.Jennifer@epamail.epa.gov
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Sent: Monday, February 23, 2004 7:06 AM
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Subject: Re: McCormick & Baxter - Soil Cap Design Criteria Report

Kevin,

Thank you for your message regarding the McCormick & Baxter Soil Cap Design Criteria Report. I think it's important to keep in mind a couple of things as folks prepare their comments.

First, we should keep in mind that there is a Stipulation and Final Order, No. HW/WQ-NWR-87-64, that relates to the McCormick & Baxter facility that was before the Environmental Quality Commission of the State of Oregon. This document is dated November 1987 and signed by Fred Hansen, Director of Oregon DEQ and Charles R. McCormick III, President of McCormick & Baxter Creosoting Company. This Order includes findings by DEQ that disposal of RCRA listed and characteristic hazardous wastes occurred at the facility and requires that McCormick and Baxter conduct RCRA closure at the facility in the areas where that disposal occurred. It seems that samples taken from in front of retorts 1 and 4 were listed hazardous waste and samples taken in front of retorts 3 and 4 were considered to be characteristic hazardous waste for arsenic. As I've stated before, given this record in the file - which appears to have been overlooked when the ROD was prepared - it is unclear why RCRA closure requirements are not applicable, at least for those areas that ODEQ concluded in this document that illegal disposal occurred at the facility, rather than just relevant and appropriate, for purposes of designing the soil cap.

In addition, you mention in your message below the requirements of the 1996 ROD. You should also keep in mind the Explanation of Significant Difference (ESD) that was signed in August 2002 and that supersedes the ROD. The ESD states on page 13 in relation to the Soil Cap that "DEQ and EPA will consider the use of impermeable or semi-permeable features in the soil cap during its' [sic] design. NOAA and NMFS have recommended the site cap be impermeable to minimize infiltration and the quantity of groundwater potentially flowing through the primary source areas. The ROD provided for construction of a soil cap on the site; however, an impermeable soil cap was not considered necessary to be protective of groundwater. Groundwater data obtained following construction of the barrier wall will be assessed to determine whether additional measures would be appropriate to minimize surface water infiltration into the NAPL source areas contained within the fully encompassing barrier wall."

-Jennifer

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 Baxter - Soil Cap Design Criteria Report Subject: McCormick &

The Oregon Department of Environmental Quality (DEQ) is seeking your

input on the Design Criteria Report (DCR) for the upland soil cap at the McCormick & Baxter Superfund Site located in Portland, Oregon. The DCR was prepared by DEQ's engineering contractor Ecology & Environment Inc. A cap is the remedy selected in the 1996 Record of Decision (ROD) to address soils contaminated with polynuclear aromatic hydrocarbons (PAHs), dioxins/furans, pentachlorophenol (PCP) and arsenic. DEQ is the lead agency in implementing the ROD for the McCormick & Baxter Superfund Site. EPA is funding the design and implementation of the remedial actions for this site.

The DCR identifies the constraints and technical elements that will be considered in developing the soil cap design. These constraints include the requirements of the 1996 ROD, regulatory considerations, and future land use. The technical elements discussed in the DCR include:

- * Utilities and Structures Removal;
- * Cap Boundary;
- * Cap Materials (i.e., Clean Fill and Topsoil);
- * Possible Cap Profiles;
- * Stormwater Management;
- * Vegetation;
- * Operations and Maintenance Provisions;
- * Access to the Site Following Cap Construction;
- * Monitoring and Extraction Wells;
- * Schedule; and
- * Cost.

DEQ is requesting any comments you may have by March 19, 2004. Your input will be considered as the soil cap remedy proceeds to the next level of design (a pre-final, 90% design) which is anticipated to be completed in May or June 2004. It is DEQ's intention to complete the design of the soil cap by September 2004 and begin stockpiling soil as early as October 2004. I would be happy to schedule a meeting with you or other groups to discuss the soil cap remedy in more detail.

The DCR can be downloaded from DEQ's website (www.deq.state.or.us/nwr/mccormick.htm). Please let me know if you would like a hard copy of the report. Additional information on the McCormick

& Baxter Superfund site can be obtained from DEQ's website or at DEQ's Northwest Region office.